

## SUGAR CASE IS NOT DROPPED

## PLEA OF IMMUNITY OF INDIVIDUALS IS THE HITCH.

Proposition of the defense that Parsons, Thomas and Kissel are immune because of testimony they gave in civil suit put up to Attorney-General.

The case against the American Sugar Refining Company involving its dealings with the Pennsylvania Sugar Refining Company has not been dropped by the Government's attorneys. Authoritative denial was made yesterday at the Federal building of the truth of publications to the opposite effect. The delay in bringing in indictments in the case was due, it was said, to the desire of the Government's representatives to have Attorney-General Wickham pass upon one of the points raised by the lawyers representing the defendants which had nothing to do with the statute of limitations.

In addition to the arguments made by John M. Bowers, John G. Milburn and William D. Guthrie before District Attorney Wise on Monday, a brief by Mr. Guthrie was submitted in which three points were raised as to why no prosecution would lie. These three, as enumerated, were the statute of limitations, immunity as a result of testimony in the civil case in the Federal courts and the controlling effect of the decision in the Knight case, one of the earlier cases in the Sherman law passed upon by the Supreme Court.

Only one of these points was deemed novel, that being the contention that through their testimony in the civil case certain of the individuals involved—individuals and the company are both involved—had earned immunity from prosecution in a criminal case. It is this point which Attorney-General Wickham is to pass upon.

Mr. Guthrie pointed out that John E. Parsons, President W. B. Thomas of the sugar trust and Gustave E. Kissel, who as agent of the trust made the \$1,250,000 loan to Adolph Segal, had been subpoenaed as witnesses in the civil suit against the sugar company brought in the Circuit Court and that under such subpoenas had been called upon to produce important documents. Mr. Thomas produced the minutes of the stockholders' and directors' meeting by which full authority was given to Mr. Parsons and the late H. O. Havemeyer to arrange the loan through Kissel. Mr. Parsons was called upon to produce the correspondence that passed between himself and Samuel Untermyer, then counsel for Segal, at a time when Mr. Untermyer was seeking to pay off part of the loan and by so doing secure the release of the stock of the Pennsylvania Sugar Refining Company. Kissel produced the original contract of December 30, 1903, providing for the loan of \$1,250,000, and also produced the original proxies in respect to the 20,000 shares of the Pennsylvania stock turned over to him as part of the security.

"Under these circumstances," says the Guthrie brief, "none of the documents so produced in the said judicial proceedings can be used against these several witnesses."

It was said yesterday that the question whether or not testimony in a civil suit between private parties in the Federal courts secured immunity for the witness from a criminal prosecution by the Government, based largely on such testimony, had never been passed upon by the highest court in the land.

The decision in the Knight case was made a good many years ago in a suit brought to test the right of the American Sugar Refining Company to buy up the stock of four competing companies, the allegation being that this was in restraint of trade. The decision was in favor of the sugar company and has since been cited as authority in the present case. The Northern Securities case and other subsequent decisions have practically nullified the effect of this decision. One of the reasons given by Attorney-General Bonaparte to Receiver Earle for the Government's refusal to prosecute the sugar company was that the Knight decision stood in the way, but from the fact that Mr. Wickham, his successor, ordered the present investigation, it has been assumed that he has differed with Mr. Bonaparte on this point.

Assistant District Attorney John W. Crim, in charge of the case in the absence of Mr. Wise, who sailed for Paris yesterday, said yesterday that he was still going ahead with the case and that witnesses would be called before the Grand Jury in a day or two to fill in the testimony.

It is assumed that the law is all right," said Mr. Crim, "and are simply going ahead to bring out the facts."

Mr. Crim thought it was likely that the Grand Jury would resume the sugar case tomorrow. It is understood that Mr. Wise tried to postpone his departure until Saturday, pending the decision of the Washington authorities, but found that it would be impossible for him to remain in the Department of Justice in the Panama hotel case having already been set.

John G. Milburn, who appeared as counsel for the sugar company, is said to have been in the case and that he was to call with Mr. Milburn on the Louisiana, but has changed his plans.

WASHINGTON, June 29.—Officials of the Department of Justice absolutely refused to discuss inquiries now in progress bearing upon a proposed prosecution of the American Sugar Refining Company, more particularly known as the "sugar trust," Attorney-General Wickham has this case in his own hands and he has cautioned his subordinates to refrain from making any statement that might come into their possession in the course of the routine business of the Department.

It is known, however, that the Government has not abandoned hope of securing evidence that will justify prosecution and that officials of the Department of Justice are busy collecting information which is placed in the hands of Attorney-General Wickham in the form of official reports from time to time.

There is a good deal of mystery about this particular case and a authentic information upon any phase of it is difficult to obtain.

## TWO NEW HABITAT GROUPS.

Specimens from Maine and the Potomac for American Museum Collection.

Frank M. Chapman, curator of ornithology at the American Museum of Natural History, has just returned from a week's trip through Maine, where he obtained a setting for a loan group to form a part of the series of bird habitat groups now installed at the museum. Mr. Chapman spent a week at Lake Umbagog, Maine. He was accompanied on his trip by Horatio Nichols, an artist.

Mr. Chapman has also secured material for another habitat group for the museum collection which will be called the turkey buzzard group. Several interesting specimens of young turkey buzzards were obtained in the Potomac River region together with photographs and studies of bird life on the Potomac. Both of these habitat groups will be installed in the collection of habitat bird groups at the museum.

## PAIN'S LATEST SPECTACLE.

The Battle in the Clouds With a Few From Far Beyond Them.

To a chorus of "A-a-a's" and "O-o-o's" from the big crowd that filled the grand stands at Brighton Beach the Pain's Fireworks show for this season opened last night. Mr. Pain has gone in for aerial navigation in his new production. He calls it the "Battle in the Clouds."

The spectacle happens in and above—mostly above—a city such as Mr. Nash, Mr. Pain's scene painter, imagines an up to date city ought to look fifty years hence. If they're going to shoot up (or down) cities a half century from now as they shoot down the canvas city at Brighton last night, we folks of advanced years ought to render thanks that we shan't be around.

A yellow balloon floats into view when it's time to call off the preliminary performers. The balloon, it seems, has just come to earth from Mars. Mr. Pain, a messenger from Mars, makes it plain to King Pyro and his subjects that the constant signaling from earth is getting on the nerves of the Martians. He says there's trouble ahead for the whole universe if earth doesn't stop mixing in the affairs of Jupiter and Saturn and a lot of other long distance places.

The result of it all is that Earth opens up with set pieces and pinwheels and rockets and sizzlers colored like drug store lights for twenty minutes or more. The Martians are chased off Earth, but the imaginary city is in ruins before it all is over. The pyrotechnic display that concludes the performance is even more awe inspiring than the former. Mr. Pain and won't wonder applause that added to the racket as the bombs burst.

## NO EDUCATIONAL THEATRE?

Mark Twain and Other Directors Ask to Have Corporation Dissolved.

The Educational Theatre, which was organized by Mark Twain and others to train the East Side children in the dramatic arts and has been run in connection with the Educational Alliance, got an order from Supreme Court Justice Giegerich yesterday to show cause why the corporation should not be dissolved. The order is returnable on August 9. It follows a number of troubles of the theatre since it was incorporated last October, among which were efforts of the police to stop the Sunday night performances as violations of the Sunday law and the resignation in February of Mrs. Emma Sheridan Fry, who had been head director for five years.

The application for the order to show cause is directed to Attorney-General O'Malley and Miss Alice Minnie Hertz, who has been the real head of the theatre since it was organized. She is the only director who didn't sign the application for the order, the other four being Samuel L. Clemens, Robert J. Collier, Charles E. Miner and Otto H. Kahn.

The application says that there are no creditors or unsatisfied judgments and that the directors deem it beneficial to dissolve because the theatre has been supported entirely by voluntary contributions and the burden of carrying on the work has fallen on the directors. They say they have found that in order to carry out the work properly it would be necessary to have an endowment fund to maintain theatre and school and that they have found it impossible to get that fund.

The theatre hasn't been doing much since Mrs. Fry resigned. At that time the senior class at the theatre on whom the productions depended decided to support Mrs. Fry and thirty-five of them sent in their resignations to Miss Hertz. This was just before the class was to have presented "The Little Prince" in Boston.

It was stated yesterday that Miss Hertz had a statement to present on the hearing of the order to show cause, and that by August 9 she may advance a way to continue the work of the theatre without the aid of the petitioning directors.

## MRS. MACKAY HOME

With Many New Things, But Not a Word About the Ballet.

Mrs. Clarence Mackay, who arrived yesterday afternoon on the Kronprinz Wilhelm, smiled amiably when a group of reporters begged her to tell them what she thought of the progress of the woman suffrage fight in Europe and why, and referred them to her husband.

Mrs. Mackay is a life member of the Equal Franchise League, of which Mrs. Mackay is president, but he modestly insisted that he was not qualified to speak and referred all inquiries back to Mrs. Mackay, who again declared that she had nothing to say.

Mrs. Mackay then added that neither of them had been bothering about anything except having a good time for about six weeks. They rambled about through France and Germany in their motor car and hadn't kept track of what was happening. Mrs. Mackay wore a much buttoned frock of white linen built on eclesiastical lines and a white picture hat, over which she wore a black veil.

She admitted indirectly to the customs officers that all her time abroad had not been spent in a purely desultory manner, for she had purchased on record for the year—\$15,000.

Mr. and Mrs. Mackay and their little daughter, who accompanied them on their trip, are to be seen at the Metropolitan Life Insurance Building the first of August and expects to come in town twice a week to direct the affairs of the organization.

## THE SEAGUERS.

Maude Adams and George F. Baer Among Those Sailing To-day.

Sailing to-day by the Cunarder Lusitania, for Queenstown and Liverpool, are Maude Adams, George F. Baer, and Mrs. Adams, Mr. and Mrs. James A. Burden, Mrs. John H. Clegg, Charles T. Crocker, Mr. and Mrs. Robert Emmet, C. Oliver Selin, Mrs. Nat C. Goodwin, Maude Adams, the Marquis de Lathur, Mr. and Mrs. W. M. McKelvey, Mrs. John G. Milburn, Ralph Modjeska, Miss Felice Modjeska, Sir E. P. Morris, Lady Morris, Mr. and Mrs. George Peabody, Mr. and Mrs. Lincoln Rea Peabody, Justin M. Warley Platteau, Dr. and Mrs. S. O. Vanevor and Baron Oscar von Rothschild.

Passengers by the White Star liner Majestic, for Plymouth, Cherbourg and Southampton, are:

Mr. and Mrs. George F. Baer, Prof. J. Laurence Laughlin, Judge and Mrs. David M. Simpson and Prof. Allan C. Thomas.

Arthur E. Bestwick Going to St. Louis Public Library.

St. Louis, June 29.—Announcing the acceptance of the resignation of Frederick K. Crunden as librarian in an extended eulogy, the directors of the public library to-day selected Arthur E. Bestwick, chief of circulation of the New York Public Library, to be Crunden's successor. The latter has been incapacitated by illness for over two years.

## OSCAR HAMMERSTEIN HOME

WITH SO MANY PLANS THAT HE CAN'T TELL THEM ALL.

But He Knows How Hard It Is to Find New Artists—Also He Appears Without the Idealized Top Hat—Hopes Still to Invade Paris Next Spring.

Oscar Hammerstein arrived yesterday on the Kronprinz Wilhelm minus the sacred hat which is identified with the impresario's appearance. He wore a soft gray hat and explained that after his accident in a taxicab in Paris he had not been able to find a silk hat of suitable lines in Europe. He ordered one from his private block as soon as he got uptown.

"I have been eleven weeks in Europe," he told THE SUN reporter, "and my arrangements for the next season are of such magnitude that I will not be able to make public announcement of them until Wednesday. I traveled as far as Constantinople in search of artists, but I feel that the trouble was worth while, as I collected an incomparable group. I had particular difficulty in getting the singers for my opera comique season. The day before I left Paris Mr. Dippel asked me if I had any artists I did not need, as he had been scouring Europe and had not yet found a singer for Mme. Lange in 'La Fille de Madame Angot,' which is to be sung at the New Theatre. I can readily believe that as I had to go to Russia for one of my sopranos in the opera comique branch of my company."

The "educational season" at the Manhattan begins on August 30 and the regular season on November 15. Mr. Hammerstein said he had selected the site for his Brooklyn opera house, but would not begin building at once, as his plan was not to open the theatre until next season.

"I have heard 'Electra' in Berlin, Dresden and Vienna," he said, "and discovered that the success of the opera depends on the way it is done. Strauss shoots music and his latest opera must literally be cannonaded at the public; otherwise it makes no impression. The cities which did not like it were those in which it was not sung as the composer intended. I shall give the opera in French along with a new work I acquired in Budapest called 'The Violin Maker of Cremona,' by Jan Hubay. I shall also produce Strauss's 'Feuersoth' in French."

Mr. Hammerstein said that his educational season was to include operas in both French and Italian. "Carmen is a great tenor," he said, "and will sing the leading roles in all these performances. Then I have six conductors, and for this season, at the highest price for a seat is to be \$2. I am having entirely new scenery painted. It is practically beginning all over again, as everything is to be new."

The impresario said that he would invade Paris in either May or June next to give the French the benefit of "Salome" and "Feuersoth." His full announcement of the season's plans will be made to-day.

## MARTY KEENE BURIED.

G. A. R. Men and Volunteer and Exempt Firemen the Pallbearers.

Old friends paid their last tribute to Martin J. Keene, nearly thirty years guardian of the City Hall, yesterday afternoon, when his funeral was held at Eichelberger's undertaking rooms at 934 Eighth avenue. Nobody spoke of Martin J. Keene's conversation was of "Marty."

The funeral services were held at 2 o'clock. Mr. Keene had been expected, but wasn't there; it was said that other engagements prevented his presence. Less than a hundred persons were in the undertaking rooms, which would not hold all those who wished to attend, and three times the number gathered outside the building on both sides of Eighth avenue. The casket was covered with flowers, and others adorned the wall back of it.

The Rev. Dr. William Geer, vicar of St. Paul's Chapel—old St. Paul's, the oldest church building in Manhattan—read the Episcopal funeral service. When he had finished he turned and bowed for a few moments to the faces of Martin J. Keene and then passed out. After other friends had taken their last look at the body the casket was borne to the hearse. Just as it was being placed inside Bugler Fitzgerald of 24 Winslow Post No. 50, G. A. R., an old comrade of Marty's, sounded taps.

The twelve pallbearers were drawn four each from the G. A. R., the Exempt Firemen and the Volunteer Firemen's associations, the badges of all of which organizations were noticeable in the funeral attendance, with the red stars of the volunteers. The best of the volunteers were President Daniel Bradley, ex-President Richard Cullen, ex-Chief Bates and Michael Buckley of the Volunteers; President John H. Mulligan and John MacLoney of the Exempt, and Commander Matthew Hennessey of Barnham Post No. 104, G. A. R.

Mr. Keene was buried in the uniform of the G. A. R. with medals of the G. A. R. and of the old firemen's organizations on his chest. The procession of eight carriages and horse went down to the City Hall and passed across the City Hall steps. Mayor McCellan had ordered the City Hall steps to be closed to the public and the Police Department had sent down to the plaza a contingent of patrolmen who were on guard both on the City Hall steps and in the plaza, and a detachment of the traffic squad, mounted, who gave added dignity to the occasion. A small crowd watched the passage across the Plaza.

The body of Mr. Keene was laid away in a vault at Greenwood Cemetery yesterday, where it will remain until a grave is secured near the plot of the Volunteer Firemen's Association.

## OBITUARY.

Mrs. Susan Van Anden Swift, widow of Henry Swift, who was a member of the late Isaac Van Anden, founder of the Brooklyn Eagle, died yesterday morning at her home, 218 Columbia Heights, Brooklyn, in her ninety-first year. Since the death of her husband more than thirty years ago she had made her home in Brooklyn. She was a member of the Church of the Pilgrims. She is survived by her sister, Miss Susan M. Van Anden.

Mrs. Sarah Woolstenholme died on Sunday at her home, 30 Fulton street, Brooklyn, after a long illness. She was the widow of Alfred Woolstenholme who was in the hat business and changed his name to James Turrell. She was well known and was more easily remembered than his own. He was known as "the hat man" and was known in 1890 the widow carried on the business.

Nicholas R. Cherry, Sr., a well known hotel proprietor of River Road, Edgewater, N. J., who was overcome by the heat on Sunday, died at his home yesterday morning. He was 52 years old and had been a resident of Edgewater for more than twenty-five years. His wife, two sons and a daughter survive.

New Home for "A Gentleman From Mississippi."

"A Gentleman From Mississippi" head-quarters are now on the Aerial Gardens atop of the New Amsterdam Theatre. An entirely new production as regards scenery and costumes has been provided by Brady and Sons. The cast headed by Wise and Fairbanks will remain the same. The Aerial Gardens have also been redecorated. The New Amsterdam Theatre orchestra has been engaged to play the new production. The latter has been incorporated by illness for over two years.

## BOOKS AND AUTHORS.

William Dean Howells's daughter, Miss Mildred Howells, is the latest writer to be added to the list of the supposed authors of "The Inner Shrine." This list of literary suspects now numbers thirty-four. The Boston Transcript announces the unknown author to be Mr. Basil King, who was for ten years rector of Christ Church in Cambridge and has since 1909 been devoting himself to a literary career. Mr. King's books include "Griselda," "Let No Man Put Asunder" and "The Giant's Strength."

Mrs. Humphry Ward has completed her Canadian story and it will be published under the title of "Canadian Born." The story will appear first as a serial in the Cornhill.

A new book by Charles Major, the author of "When Knighthood Was in Flower," is ready for publication. It is entitled "Gentle Knight of Olden Brundage" and the principal characters are the charming and witty Wilhelmina, the sister of Frederick the Great of Prussia, and her admirer, the corpulent Margrave of Schwedt and Fritz of Bayreuth, who was so big that he caught Frederick William's eye and was kidnapped into that monarch's army as a consequence.

Irving Bacheller's new novel, to be published early in the autumn, will be called "The Master." It recounts the story of a young man in quest of a missing uncle. The scenes of the story move from the semi-Bohemian life of New York to the decks of an old schooner and a camp in the wilderness.

George Meredith's criticism of Henry James's book on America is being repeated with renewed interest now that Meredith, whom Mr. James regarded as one of his masters, the other being Balzac, is dead. "You know my dear James's book," wrote Meredith, "which he devoted to an account of America revisited. The substance of it all is not a revisiting of America but a tour of James's own inside. He doesn't tell about America, but about how he felt when he saw this or that in America. Now and then he goes so far as to lead you to a little window in his anatomy and show you a glimpse of landscape that he says is America. But taken all in all it's very little one sees beyond the interior of my dear James."

Dr. Samuel McComb of Emmanuel Church, Boston, writing on causes of nervousness in the July Harper's Bazar, says that it is better, especially for women, not to suppress their emotions. These strangled emotions, these griefs and moral wounds and deep rooted but frustrated desires of which you never speak, even to your dearest, are the causes of your headache, your nervous dyspepsia, the irritation of your blood and flesh. Women especially will carry moral wretchedness concealed in their hearts for years, says the writer, with the inevitable result of a nervous catastrophe. Dr. McComb thinks such as these will do well to relieve themselves by confiding their troubles either to a wise minister of religion or to a psychological trained physician.

A translation into Armenian is being made of "Hypnotic Therapeutics," by John B. Quickens, whose book treats of hypnotism as a physical cure. The translator is an Armenian priest, who addressed the author from Asia Minor, in Ber, near Nigde, Turkey, saying that his attention was called to the book by a friend. "He showed me clearly and successfully some experience of hypnotism and offered that he should let me read the book and translate it to my language, Armenian." The translator further explains that he has "a great desire to this science," and concludes "I pray you, do you want this? Heartily, Salams."

Still another edition of Jane Austen's novels has been brought out in "The St. Martin's Illustrated Library of Standard Authors." During the last ten years the vogue for the gentle lady who has been called "Howells's maiden grandmother" has grown into a cult and new editions of her works are brought out with astonishing rapidity. Her stories, which were once the recommended reading for the "young person" feminine, are now on the required list at Harvard for the young person masculine who wishes to take up the study of English literature.

Mr. Edmund Gosse's "Swinburne: Personal Recollections," which appears in the Fortnightly, is a striking account of the physical and mental characteristics of the poet, with whom Mr. Gosse was on terms of intimate friendship for more than a third of a century. Mr. Ernest Rhys contributes some notes on Meredith to the English Review and is glad to find that Meredith, like himself, is not buried in Westminster Abbey, since the Abbey, in his opinion, is not a great man in these days, but is becoming "the resting place of mediocrities."

There is a rumor abroad, according to the Academy, that Mr. Watts-Dunton proposes to hand over to the Royal Literary Fund the thousands of pounds bequeathed to him by Mr. Swinburne. The editor of the Academy says that "a separate and independent Swinburne fund" which would provide suitable pensions or grants for capable poets would be far more honorable to the name of Swinburne. We are rather astonished that Mr. Swinburne did not provide for something of this sort before his death, but probably he felt that the matter would be handled more satisfactorily by his lifelong friend. Of course the matter lies entirely with Mr. Watts-Dunton, and nobody would blame him if he did nothing.

An interesting book now in process of publication is entitled "1872: Letters Written by a Gentleman in Boston to the Friend in Paris, Describing the Great Fire," with introductory chapters by Harold Murdock, author of "The Reconstruction of Europe." The introductory chapters give a picture of Boston and its old landmarks as it was at the time of the peace jubilee and describe the outbreak of the fire and the various causes which contributed to its spread. The letters give an account of the destruction of Winthrop Square and also give the current gossip of the street in business offices and at the Union Club, mentioning many well known citizens by name, so that the reader learns something of the spirit with which the men of that day faced the crisis. Mr. Murdock was an eyewitness of the fire and is now vice-president of one of the leading banks of Boston.

To write a book describing the evolution of the English house through the centuries has been the aim of Mr. W. Shaw Sparrow in "The English House," published last week. As Mr. Sparrow says himself, his aim has been to "give a brief and faithful sketch of the human side of the English house, keeping clear

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Considerable scepticism has been expressed about Susan Glaspell being an actual person and the author of the book "The Glory of the Conquered." It has been suggested that Susan Glaspell might be merely a nom de plume for an older and more experienced writer. But Susan Glaspell is a real person and the book is her first book. She was born in Davenport, Ia., was educated at Des Moines and Chicago and has written short stories for the magazines.

Both Mr. Swinburne and Mr. Meredith long before their deaths had reached the position of classic writers with regard to the value of their first editions and also their autographs. Mr. Swinburne had the advantage of Mr. Meredith so far as first editions were concerned, but some of Mr. Meredith's handwriting has been found to be more valuable by the test of the auction room, and a few weeks before he died a single letter was sold for \$25.

Both these writers had a pronounced aversion to the photographer. Three portraits of Mr. Meredith have been made, one of these is the famous portrait by Watts upon which the great writer sometimes spoke in his happiest vein of caustic criticism. This portrait has been sent to the National Portrait Gallery. There is a head by Sargent in the first volume of "The Library Edition" of Mr. Meredith's writings published in 1896 and there is an etching by Mr. William Strang that has gone to the King's private collection at Windsor.

## NEWS OF PLAYS AND PLAYERS.

"The Climax" to Move—Ralph Stuart and Hamilton Revelle in New Parts.

Joe Weber will transfer "The Climax" from Daly's Theatre to his own playhouse next door on July 12. The event is to be known as "homecoming," as it was at Weber's Theatre that "The Climax" had its first metropolitan performance.

The final performance at Daly's Theatre on July 10 will mark the end of New York performances of "The Climax." The little play of musical theme has the unique distinction of being the only piece of a serious nature capable of weathering the frightful ravages of the heated season.

"The Climax" will continue at Weber's Theatre throughout the entire summer and probably late into the coming season. Henry B. Harris has engaged Ralph Stuart to create one of the principal roles in Channing Pollock's latest play, "Such a Little Queen," which opens the Hackett Theatre on Monday, August 20. When Edmund Brossé returns from "The Third Degree" in October to be starred by Mr. Harris in James Bernard Fagan's play, "The Earth," Mr. Stuart will succeed him in "The Third Degree" in the rôle of Richard Brewster.

George H. Brennan called his representative yesterday that he had engaged Hamilton Revelle in London for the principal male part of "The Coast of Chance." Mr. Revelle's last appearance in New York was in support of George Arliss. He will return from England in September to begin rehearsals of the play, which will be staged under the direction of its author, Eugene W. Freshbery.

Commons—Fletcher.

NORTHAMPTON, Mass., June 29.—Miss Ruth M. Fletcher, Smith '08, daughter of Prof. and Mrs. Alfred M. Fletcher, was married at her home this evening to William Commons of Watertown, N. Y., by the Rev. Willis H. Butler, pastor of the Edwards Church, Mr. and Mrs. Commons will live in Watertown, where Mr. Commons is cashier of the Jefferson County National Bank.

## KISPIOX INDIANS IN REVOLT.

Victoria, B. C., June 29.—The Kispiox Indians in the North appear to have carried out their threat of going on the warpath in spite of a departmental official being sent from Ottawa to investigate their grievances. Provincial police headquarters were advised to-day from Hazelton that two white settlers residing in the area had been shot and the lacerated body of a white settler recovered near Clearwater, is now held at Hazelton.

The body, as yet unidentified, is presumably that of one of the two settlers. It was floating in the river, nude and mutilated, pierced by two bullets. The Indians are openly defiant and will not receive the Government's commissioner unless he is supported by a strong force.

## JUSTICE ERLANGER HELPS.

Takes Prisoner to Headquarters in His Auto and There Takes Bail.

At the urgent request of Sheriff Burke of Bell County, Texas, Central Office Detectives Haggerty and Barber arrested Henry Herckheimer at the Hotel Cadillac in New York City. Herckheimer, who is also called Herickheimer and Meckheimer, according to the Texas Sheriff, told the police that he was a salesman and that he lived at the hotel where he was arrested.

According to Sheriff Burke again it was Herckheimer's success as a salesman of fake diamonds that caused him to be so badly wanted in Texas. Sheriff Burke wrote that the diamonds had been sold throughout the State and that five felony indictments were awaiting Mr. Herckheimer in Bell County.

Herckheimer was with a party of friends when arrested. These friends got Justice Erlanger of the Supreme Court to go to Police Headquarters and admit Herckheimer to bail. The Justice even did better than that. He went to the hotel in his automobile and took Herckheimer, his friends and the detectives down to Mulberry street.

At Police Headquarters after Herckheimer had been booked the Justice held informal court and admitted him to \$2,000 bail. This was furnished by Solomon Bloom of 68 Central Park West and Felix Jarnan of the Hotel Kenilworth. The detectives say that Mr. Bloom is the prisoner's brother-in-law.

## WELZ TO BE TRIED ON FURTHER CHARGE.

Justice Aspinwall in the Supreme Court in Flushing yesterday dismissed the demurrer of John Welz of the brewing firm of Welz & Zerweck to two indictments charging him with perjury in connection with the sale of eighty-five acres of swampy land known as Kasego Park, near Flushing. The trial will probably not begin until October. Welz was brought into the matter as a friend of Joseph Bernell, then Resident Judge of Queens, and his alleged perjury consisted in testifying to the date on a transfer of a mortgage.

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## INSTRUCTION.

Wm. J. Betts, M. A., Yale

Stamford, Conn., is turning in college entrance requirements and in rounding up the world's requirements for those who wish to enter upper classes in large preparatory schools. Send for circular.

## \$1,500,000 TO HOSPITALS.

Harry Samuel Henry's Estate to Be Divided—Paintings to Be Sold.

PHILADELPHIA, June 29.—By the will of Harry Samuel Henry, retired business man, horseman and art collector, which was admitted to probate to-day, his entire estate, estimated to be worth \$1,500,000, is to be divided eventually among five Philadelphia hospitals.

His widow, who is appointed co-executor, will sell the contents of the home at 403 Chestnut street, with the exception of the paintings, which are to be sold, and all carriages, harness and automobiles. The income from the estate is to go to the widow for life, with the exception of an annual bequest of \$600 to each of two daughters, Selena Ashworth and Elizabeth Costes.

Upon the death of the three women the estate is to be divided equally among the University, Episcopal, Children's, Presbyterian and the Pennsylvania hospitals. The will, which was dated August 6, 1908, directs the executors to dispose of the Harry Samuel Henry paintings in New York at the earliest convenient date and provides that all securities be converted into bonds of the city of Philadelphia.